

the boundaries of the grant or within the field notes of the land sold and the issue of boundary, or boundary and money judgment incidental thereto, is the principal issue in the case, that upon motion of any party defendant in the case filed in said court after the passage of this Act that the court in which such suit shall be pending shall transfer such suit to the county where the land or some part thereof is situated, repealing all laws in conflict therewith and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5420, Chapter 7, Title 86 of the Revised Civil Statutes of the State of Texas, 1925, be and the same is hereby amended so as to hereafter read as follows:

Article 5420. When any public lands are held, occupied or claimed by any person, association or corporation adversely to the State, or to any fund, or when lands are forfeited to the State for any cause, the Attorney General shall institute suit therefor, together for rent thereon, and for any damages thereto. For the purposes of this and the preceding article, venue is fixed in Travis County, concurrently with the county of defendant's residence and the county where the land lies; provided, however, that in all cases where the defendants, or either of them, are in actual possession of said land, claiming the same under grant or sale from the State, and claiming that the land in controversy has been lawfully included within the boundaries of the grant or within the field notes of the land sold, and the issue of boundary, or boundary and money judgment incidental thereto is the principal issue in the case, that then the venue of such suit shall be in the county wherein the land or some part thereof is situated; and provided also that in all suits now pending in the District Courts of Travis County where the defendants or either of them are in actual possession of land, claiming the same under grant or sale from the state, and claiming that the land in controversy has been or is lawfully included within the boundaries of such grant or within the field notes of the land sold, and the issue of

boundary, or boundary and money judgment incidental thereto, is the principal issue in the case, that upon motion of any party defendant in such case filed at any time after this act shall take effect, the court shall thereupon transfer such suit to the county wherein the land or some part thereof is situated.

Sec. 2. That all laws in conflict with the foregoing section are hereby expressly repealed.

Sec. 3. The fact that suits for recovery of lands or damages thereto, or to remove encumbrances upon the title to land or to quiet the title to land or to prevent or stay waste on lands under the general venue statute of this State must be brought in the county in which the land or a part thereof may lie and the exception permitting suits by the State as against owners in possession thereof, claiming the same in good faith under grants or sales from the State being required to litigate the same in Travis County, depriving them of a valuable right, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the same is suspended and that this act be in force and take effect from and after its passage, and it is so enacted.

## TWELFTH DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, January 23, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodward.

Absent—Excused.

Hyer. Neal.  
Martin. Woodul.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Williamson.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Pollard:

S. B. No. 286. A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State for the several departments of the State of Texas, as named herein, for the balance of the fiscal year ending August 31, 1929, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Hornsby:

S. B. No. 287, A bill to be entitled "An Act to amend Articles 6205, 6221, and 5227 of Title 109 of the Revised Civil Statutes of 1925, and to amend Article 6214 of Title 109 of the Revised Civil Statutes of 1925, as amended by Chapter 95 of the General Laws of the Fortieth Legislature, and to add Article 6222a, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 288, A bill to be entitled "An Act to amend Article 17 of the Revised Civil Statutes for 1925 so as to provide that district judges and district attorneys shall enter upon and assume the duties of their respective offices on the first day of January following the last general election or as soon as possible thereafter, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 289, A bill to be entitled "An Act to provide that the number of days for which compensation is allowed a district attorney shall be based upon the calendar year and

not the fiscal year of the State, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 290, A bill to be entitled "An Act to provide for the sale, development and patenting of mineral deposits, placers, veins, lodes or any rock carrying metallic or non-metallic substances of value, excepting oil, natural gas, coal and lignite that may be in any of the land of the public free school fund, University fund, the several asylum funds, all State land belonging to or under the jurisdiction and control of the Prison Commission of this State, or the board of trustees for the State Institution for the Training of Juveniles and all other lands belonging to the State and administered by other Boards, that may have been heretofore sold or disposed of by the State with the reservation of minerals therein, and all lands of which the mineral rights therein have or shall have reverted to the State of Texas, and said mineral substances that may be in any islands and river beds and channels which belong to the State, providing penalties, repealing all laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Thomason:

S. B. No. 291, A bill to be entitled "An Act creating a more efficient road system for San Augustine County, Texas, providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners' court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the commissioners' court of San Augustine County to issue

bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and levy a tax in payment thereof; repealing Chapter 94, Local and Special Laws, 1913, and all amendments thereto; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Moore:

S. B. No. 292, A bill to be entitled "An Act amending Section 1 of Chapter 87 of the General Laws of the Regular Session of the Thirty-ninth Legislature so as to create the Twelfth Supreme Judicial District of Texas, and creating a new Court of Civil Appeals, said District to be composed of the counties of Hunt, Fannin, Delta, Hopkins, Rains, Kaufman, Wood, Van Zandt and Rockwall; providing for the appointment and qualifications of the judges of said Court of Civil Appeals; providing for the transfer of cases to the new Court of Civil Appeals herein created; and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Parr.

S. B. No. 293, A bill to be entitled "An Act converting the South Texas State Teachers College into the Texas College of Arts and Industries at Kingsville, Texas; providing for a continuance of the work of the College as a State Teachers College and in addition thereto providing for work at said College suitable to a College of Arts and Industries; providing for the organization, control and management thereof, the appointment of a board of directors and selection of a president, the division of its work into branches of education and training; providing for the granting of appropriate degrees and giving of special courses in certain subjects; changing the management of the South Texas State Teachers College from the board of directors of the Texas College of Arts and Industries as provided for in this Act; providing for the acquirement of additional land when necessary and for the enlargement of the work of said College; granting to said College the right of eminent domain; requiring biennial reports to the Legislature; conferring all power, duties and

functions of the Board of Regents of the State Teachers Colleges in respect to said South Texas State Teachers College on the board of directors herein created, except where in conflict with this Act; repealing all laws and parts of laws in conflict with this Act; providing all necessary details to accomplish the purpose of this Act; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Wirtz.

S. B. No. 294, A bill to be entitled "An Act defining group life insurance; providing that no policy of group life insurance shall be issued or delivered unless and until a copy of the form thereof has been filed with the Life Insurance Commissioner and formally approved by him, stipulating the provisions which must be contained in such policy; providing the manner of paying the proceeds of any such insurance; providing the method of computing the reserves on such policies; prohibiting the issuance of any contract of life insurance covering a group except as provided by the provisions of the Act, and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Gainer.

S. B. No. 295, A bill to be entitled "An Act making an emergency appropriation of four hundred thousand (\$400,000.00) dollars to provide for the immediate construction of two dormitories at the Agricultural and Mechanical College of Texas."

Read first time and referred to Committee on Finance.

By Senator Small.

S. B. No. 296, A bill to be entitled "An Act to provide that in the event there should be awarded to the State of Texas by the final decree of the United States Supreme Court at Washington, D. C., in its final judgment in the suit of the State of Oklahoma against the State of Texas, the United States, Intervenor, any area of land along the 100th degree west longitude adjacent to the east side of the Panhandle of Texas and the west side of the State of Oklahoma, such area shall upon

the happening of that event, be and become a portion, part and parcel of and incorporated into the several counties of the State of Texas adjacent thereto for all governmental purposes by the extension of the North and South boundary lines of same east to the true 100th degree of west longitude as may be fixed by said court; to withhold said area for final disposition by future legislation; to provide for the ascertainment of the character of the land and improvements thereon and the kind and character and status of all claims of right and title thereto; to provide for one claiming a right therein to proceed to establish such right, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senators Love and Moore, by request.

S. B. No. 297, A bill to be entitled "An Act amending Articles 4275 and 4276 of the Revised Civil Statutes of 1925; designating the securities in which the funds of life insurance companies may be invested; providing that if a domestic life insurance company reinsures the business and takes over the assets of a foreign life insurance company, the investments of such company so taken over and reinsured, if authorized, when made, by the laws of the State of its incorporation, shall be considered as valid securities of the domestic company so taking it over; providing that the provisions of this Act shall not invalidate any investments heretofore made by a domestic life insurance company, if such investments were legally authorized when made; defining "Texas Securities"; and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senators Moore and Love, by request.

S. B. No. 298, A bill to be entitled "An Act providing that whenever any person shall procure the issuance of a policy of insurance on his life in any legal reserve life insurance company, and designate in writing the beneficiary to receive the proceeds thereof, the company shall pay any proceeds thereof becoming due on the death of the insured to the person so designated in the absence

of a notice in writing of an adverse claim received at the home office of the company, and that any such payments so made in the absence of any such notice received prior to the time of payment shall discharge the company from all liability on the policy; providing that the provisions of this Act shall apply to policies now in existence, as well as to all policies hereafter written, and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator McFarlane.

S. B. No. 299, A bill to be entitled "An Act regulating the transportation of cattle, hogs, goats, and sheep by truck and motor vehicle and providing that all persons transporting cattle, hogs, sheep, and goats by truck or motor vehicle must first secure a permit from the Sheriff of the county in which said shipment originated; providing fees to the sheriff for issuance of said permit and requiring the driver of said truck or motor vehicle to carry and retain said permit in his possession until said cattle reach their destination and providing further that any sheriff, constable, or other peace officer may at any time or at any place, stop and demand and receive said permit for inspection as well as the right to inspect said livestock so being transported and making it the duty of said sheriff, constable or other peace officer to inspect every truck or motor vehicle, containing livestock being transported which said officer sees and providing penalties for the violation thereof."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator McFarlane.

S. B. No. 300, A bill to be entitled "An Act declaring it to be an offense for any convict, sentenced to the penitentiary, to escape; fixing the penalty, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator McFarlane.

S. B. No. 301, A bill to be entitled "An Act amending Article 6677, Revised Statutes of Texas, by providing that the registration fee be paid

for the registration of motor vehicles registered after January 1, shall be proportioned on a monthly basis covering the unexpired portion of the calendar year."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator McFarlane.

S. B. No. 302, A bill to be entitled "An Act providing that where a motor vehicle, tractor, trailer, semi-trailer or motorcycle shall be registered by any corporation, the same shall be registered in the county where such corporation maintains its home office, or in any county in which said corporation does business, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator McFarlane.

S. B. No. 303, A bill to be entitled "An Act amending Article 6675 by providing for the registration of motor vehicles in the county in which the owner resides, and providing a penalty for registration in any other county, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator McFarlane.

S. B. No. 304, A bill to be entitled "An Act amending Article 6680, Revised Statutes of Texas, by providing for the registration fees for trailers and semi-trailers, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senators Greer, Small, Moore, Hornsby, Pollard, Hyer, Russek, Wirtz and Love.

S. B. No. 305, A bill to be entitled "An Act amending Article 6286, Chapter 2, Title 112, Revised Civil Statutes of the State of Texas, 1925, so as to change the provision of said article relating to the subject of change of general offices, machine shops, roundhouses so as to include terminals."

Read first time and referred to Committee on Labor.

By Senator Parrish.

S. B. No. 306, A bill to be entitled "An Act creating a special road law

for Crosby County, Texas, requiring surety bonds of road overseers, containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1929, setting forth the method of said operation and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Witt.

S. B. No. 307, A bill to be entitled "An Act providing for the conducting of the business of public warehousemen and warehouses and defining the same; providing for the obtaining of a certificate to transact business as such in this state from the Commissioner of Agriculture, and providing the requisites thereof and for the execution of a bond to be fixed by such Commissioner and the conditions thereof; providing for the issuance of receipts to depositors of goods, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Moore and Westbrook.

S. B. No. 308, A bill to be entitled "An Act making an emergency appropriation of two hundred seventy-five thousand (\$275,000.00) dollars to provide for the immediate construction of one fire-proof library building at the East Texas State Teachers College of Texas."

Read first time and referred to Committee on Finance.

#### Senators Excused.

On motion of Senator Williamson, Senator Hyer was excused for the day on account of important business.

On motion of Senator Wirtz, Senator Woodul was excused for the day on account of important business.

#### Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives, Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 61, A bill to be entitled "An Act creating Dallas County Fresh Water Supply District No. 9."

H. B. No. 62, A bill to be entitled "An Act creating Dallas County Beverly Hills Fresh Water Supply District No. 2."

H. B. No. 175, A bill to be entitled "An Act to create Cameron County Drainage District Number Four, in Cameron County, Texas, validating and approving all orders made by the commissioners' court of said county in respect to the original organization of said district as a drainage district under Article 3, Section 52, of the Constitution; validating and approving all orders made by the commissioners' court of said county in converting said district without change of name or impairment of obligations to a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas."

H. B. No. 338, A bill to be entitled "An Act providing for a more expeditious manner of ascertaining the returns of any special election held for the office of Representative or Senator in any district, and providing for the early making of returns therefrom and an immediate issuance of a certificate of election, and declaring an emergency."

S. B. No. 60, A bill to be entitled "An Act to amend Article 6954 of the Revised Civil Statutes of Texas, 1925, Chapter 6, Title 121, with reference to the mode of preventing horses, and certain other animals from running at large in the counties named, so as to include the counties of Brazoria, Texas; Galveston, Texas; and Harris, Texas; and declaring an emergency."

With amendment.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Communication From the Attorney General.

Senator Woodward received permission to have printed in the Journal the following communication from the Attorney General:

State of Texas  
Offices of the Attorney General  
Austin, Texas

Jan. 22, 1929.

Hon. Walter C. Woodward,  
State Senator,  
Austin, Texas.

Dear Senator:

Referring to our conversation of a few days ago in relation to some bills pending before the Texas Senate relating to the regulation of granting water rights to riparian owners and public utilities, I confirm by this letter my statement made to you that any statement made that a bill introduced in the Texas Senate has been called the "Attorney General's Bill" is entirely erroneous. I have persistently and consistently tried to administer the affairs of this office along the line of its proper functions; that is, as the law office of the Government, and that only. This department has no bills before the Legislature and will not have any. It is not fathering any nor advocating the passage or the defeat of any, and will not. Every member of the department is kept quite busy in its efforts to advise upon and administer the law as we think it is without transgressing upon the functions of any other department of the Government in an effort to secure any legislation upon any subject.

I am glad to advise with any member of the Legislature upon any legal question, which may arise in relation to any bill in which the Legislature may be interested, and assist him to unravel any legal tangle which may confront him, but with the policy of his legislation or its passage through the Legislature, this department has nothing to do and will not participate. It frequently occurs that our assistance to a member of the Legislature in the preparation of a bill in some way gets the bill branded as a "bill of the Attorney General's Department." Be assured that this department has no "bills" and tries to impress upon each member of the Legislature whom it assists that it occupies that relationship to his proposed legislation.

I have heard rumors of purported charges of this department being interested in several pending legislative matters relating to water rights and public lands. This is also an

incorrect statement of our position. Almost every session of the Legislature there is agitation in relation to the law which gives venue of suits to recover vacancies in the public lands to the courts of Travis County. The question was raised two years ago. At that time I remained neutral in the matter and am still. It is a question of legislative policy and I am perfectly content to abide the will of the Legislature in regard to the venue of these suits in my administration of this office. If the Legislature determines that these suits should be brought in the county where the land is situated, I will file them there, and shall take no active part for or against the pending legislation in this regard.

This is likewise my position in relation to the matter of the State's jurisdiction and ownership of the beds of navigable streams. I would be very much gratified, indeed, if the Legislature might clarify the law as to what a navigable stream is, and as to the extent of the jurisdiction of the State over same. The protection of the State's interest in the public lands is a function of this department, and any legislation which makes clearer and more positive the functions and jurisdiction of this department would be, indeed, most welcome to me.

I hope you will pardon the length of this communication, but I simply want to make clear to you and the other members of the Legislature my conception of the administration of the law department of the Government, and to assure each and every member thereof that this department has no bills before the Legislature, the passage of which it is advocating nor is it taking part in the defeat of any pending measure. We are here to serve the members of the Legislature in their efforts to meet their individual responsibilities and not to undertake to encroach upon the jurisdiction of that department of the Government.

Sincerely yours,  
CLAUDE POLLARD.

#### **Bills Signed.**

The Chair, Lieut. Gov. Barry Miller, gave notices of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. C. R. No. 8.  
S. B. No. 158.

#### **House Bills Referred.**

H. B. No. 61, read and referred to Committee on Mining, Irrigation, and Drainage.

H. B. No. 62, read and referred to Committee on Mining, Irrigation, and Drainage.

H. B. No. 175, read and referred to Committee on Mining, Irrigation, and Drainage.

H. B. No. 338, read and referred to committee on Privileges and Elections.

#### **S. J. R. No. 13.**

Senator Hornsby received unanimous consent to recall the report of the Committee on Constitutional Amendments on S. J. R. No. 13 and to re-refer the resolution to that Committee.

#### **Senate Bill No. 60.**

Senator Holbrook, moved that the Senate concur in the House Amendment to S. B. No. 60.

Senator Stevenson moved as a substitute that the Senate not concur but ask for a Free Conference Committee. The motion prevailed.

#### **Free Conference Committee. Appointed.**

The Chair appointed the following Free Conference Committee on S. B. No. 60, on the part of the Senate: Senators Holbrook, Stevenson, Parr, Gainer, McFarlane.

#### **Senate Bill No. 71.**

The Chair laid before the Senate as special order the following bill:

S. B. No. 71, A bill to be entitled, "An Act to amend Article 2883, and Article 2889-A Revised Statutes of 1925, relating to certificates of teachers in the public free schools, and salaries of teachers holding such certificates; repealing all laws in conflict therewith, and declaring an emergency."

The bill was made special order for Thursday morning on account of the absence of Senator Neal due to illness.

#### **Senate Bill No. 110.**

The Chair laid before the Senate as special order the following bill:

S. B. No. 110, A bill to be entitled, "An Act to amend Article 1302 of the Revised Civil Statutes of the State of Texas 1925, so as to provide that private corporations may be formed for any lawful purpose or puposes, except as specified in this Act, and providing that nothing in this Act shall be held to repeal or amend any general law of the State, other than Article 1302 pertaining to the creation of corporations and powers, duties and limitations thereof or to repeal any law that forbids the creation of any corporation and providing that no corporation created under Article 1302 as herein amended shall include as one of its purposes any purpose for which corporations may be created under the general laws of this State, other than Article 1302, and providing that no corporation created under Article 1302 as herein amended shall include as one of its purposes the practice of law or the practice of any of the healing arts and sciences and providing that all corporations created under this Act shall be required, after filing their charters with the Secretary of State, to record the same at length in the principal office of the corporation and shall have such charter recorded in full in the records of the county clerk of the county in which such corporation has its principal office before such corporation shall do any business in this State, and providing that all amendments to such charters shall be recorded in like manner, and declaring an emergency."

The bill was read second time and passed to engrossment, by the following vote:

## Yeas—16.

Beck.	Miller.
Berkeley.	Parr.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Hornsby.	Westbrook.
Love.	Wirtz.

## Nays—4.

DeBerry.	Witt.
Moore.	Woodward.

## Absent.

Thomason.	Williamson.
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Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

## Pairs Recorded.

Senator Parrish (present), who would vote nay with Senator Stevenson (absent), who would vote yea.

## Pairs Recorded.

Senator McFarlane (present), who would vote nay with Senator Holbrook (absent), who would vote yea.

## Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

(A list of nominations for notaries; see immediately following Journal for last day.)

## Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 18, A bill to be entitled, "An Act creating the office of criminal district attorney in those counties which constitute three or more separate judicial districts within themselves in which there is not now a district attorney; providing that the present county attorney in those counties, who performs the duties of county and district attorney, shall qualify as criminal district attorney, remain in office and take the oath and give the bond required of district attorneys by the Constitution and laws of Texas, organize their forces and continue the work as criminal district attorney until their successors are elected and qualified."

By Mr. Harman, Mr. Baldwin and Mr Westbrook:

H. B. No. 21, A bill to be entitled, "An Act providing for expense account for constables in certain counties to be allowed and paid out of



the general fund of the county and declaring an emergency."

By Mr. Savage:

H. B. No. 46, A bill to be entitled, "An Act amending Article 3386 of the Revised Statutes of 1925, as amended, 1927, providing for the amount of bonds of executors and administrators, and amending Article 3392 of the Revised Statutes of 1925, requiring new bond."

H. B. No. 57, A bill to be entitled "An Act to amend Article 4111 of the Revised Civil Statutes of Texas, 1925, amended by Chapter 179, page 257, Regular Session of the Fortieth Legislature, 1927, so as to provide for fixing the venue where the appointment of guardians may be made, and declaring an emergency."

H. B. No. 59, A bill to be entitled, "An Act to amend Articles 4613 and 4614, Title 75, Chapter 3, of the Revised Statutes of the State of Texas, 1925, concerning the marital rights of parties, defining separate property of the husband and wife, exempting separate property of the husband from debts contracted by the wife except for necessities furnished herself and children after her marriage with him, and from torts of the wife, giving husband management, control and disposition of his separate property during the marriage, providing that the wife shall have the sole management, control and disposition of her separate property; provided, that the joinder of the husband shall be necessary to a conveyance or encumbrance of the wife's lands, bonds and stocks; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 87, A bill to be entitled, "An Act to amend Article 7117 of Chapter 5 of Title 122, of the Revised Civil Statutes of Texas, 1925, codification, so as to exempt from inheritance tax intangible personal property of a non-resident who was, at the time of his death, a resident of a State or Territory of the United States or of a foreign country which did not impose a transfer or inheritance tax of any character in respect of intangible personal property of residents of this State."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 41.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 41, A bill to be entitled, "An Act to amend Article 5510 of the Revised Civil Statutes of the State of Texas so as to limit the amount of land that may be recovered under the ten year statute, and declaring an emergency."

On motion of Senator Wirtz, S. B. No. 41, was laid on the table subject to call.

#### Senate Bill No. 75.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 75, A bill to be entitled, "An Act to amend Articles 4513, 4514, 4516 and 4523, Chapter 7, Revised Statutes of Texas of 1925, providing for the appointment of a Board of Nurse Examiners; prescribing their qualifications and duties; providing how meetings of said Board shall be called; providing for the appointment of an Educational Secretary and prescribing her qualifications and duties; and providing for the issuance of temporary permits to graduate nurses under certain conditions, and prescribing the fee to be paid therefor, and declaring an emergency."

The bill was read second time.

Senator Williamson sent up the following amendment:

Amend S. B. No. 75 by striking out in lines 23 and 24 the following words:

"to be selected from a list of not less than ten names presented by the Graduate Nurses Association of Texas."

WILLIAMSON.

The amendment was adopted.

On motion of Senator Williamson the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 75 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Hardin.
Berkeley.	Holbrook.
Cunningham.	Hornsby.
DeBerry.	Love.
Gainer.	McFarlane.
Greer.	Miller.

Moore.	Stevenson.
Parr.	Thomason.
Parrish.	Westbrook.
Patton.	Williamson.
Pollard.	Wirtz.
Russek.	Witt.
Small.	Woodward.

Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodward.

Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

## Senate Bill No. 83.

The Chair laid before the Senate on its second reading the following bill:

By Senator Russek:

S. B. No. 83, A bill to be entitled, "An Act abolishing the office of Game, Fish and Oyster Commissioner and creating the Game, Fish and Oyster Commission; vesting all of the authority, powers and functions of said Commission in the Game, Fish and Oyster Commission created and provided for in this Act; providing for the appointment, compensation, bond, duties and functions of said Game, Fish and Oyster Commission; providing for an executive secretary, assistant executive secretary to be appointed by the Commission and providing for all necessary game and fish wardens, division heads and other employees of said Game, Fish and Oyster Commission; changing the laws of the State of Texas in such respects as shall be necessary in order to carry out the purposes of this Act; enacting the necessary

matters and things incidental to the purpose and subject of this Act; making the necessary appropriation out of the State Treasury; providing when this Act shall take effect, declaring the rule of construction, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 83, page 2 line 5 by striking out the word three in line five and insert in lieu thereof the word six.

The amendment was lost.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 83, page 4, line 13, by striking out the word five in line 13 and Thousand in line 14 and insert in lieu thereof the words Thirty six hundred.

Senator Pollard moved to table the amendment. The motion prevailed by the following vote:

Yeas—14.

Beck.	Pollard.
Cunningham.	Russek.
Gainer.	Stevenson.
Hardin.	Thomason.
Moore.	Williamson.
Parr.	Wirtz.
Patton.	Woodward.

Nays—9.

Berkeley.	McFarlane.
DeBerry.	Miller.
Greer.	Parrish.
Hornsby.	Small.
Love.	

Absent.

Holbrook.	Witt.
Westbrook.	

Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

Senator Greer sent up the following amendment:

Amend S. B. No. 83, lines 13 and 14 of page 4 by striking out the words Five thousand dollars and inserting in lieu thereof the words and figures four thousand dollars per annum.

Senator Pollard moved to table the amendment. The motion prevailed by the following vote:

## Yeas—15.

Beck.	Stevenson.
Cunningham.	Thomason.
Gainer.	Westbrook.
Hardin.	Williamson.
Parr.	Wirtz.
Patton.	Witt.
Pollard.	Woodward.
Russek.	

## Nays—10.

Berkeley.	McFarlane.
DeBerry.	Miller.
Greer.	Moore.
Hornsby.	Parrish.
Love.	Small.

## Absent.

Holbrook.

## Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

Senator Greer sent up the following amendment:

Amend S. B. No. 83, page 4 lines 18 and 19 by striking out the words four thousand two hundred dollars and inserting in lieu thereof the words and figures thirty six hundred dollars.

The amendment was lost by the following vote:

## Yeas—10.

Berkeley.	McFarlane.
DeBerry.	Miller.
Greer.	Parrish.
Hornsby.	Small.
Love.	Williamson.

## Nays—15.

Beck.	Russek.
Gainer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Moore.	Wirtz.
Parr.	Witt.
Patton.	Woodward.
Pollard.	

## Absent.

Cunningham.

## Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 83, page 4, lines

13 and 14 by striking out five thousand dollars and inserting in lieu thereof four thousand five hundred.

The amendment was adopted.

Senator Pollard moved to reconsider the vote by which the amendment by Senator Greer was lost. The motion prevailed.

The amendment was adopted as follows:

Amend S. B. No. 83, page 4, lines 18 and 19 by striking out the words four thousand two hundred dollars and inserting in lieu thereof the words and figures thirty-six hundred dollars.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 83, page 4, line 27 and 28 by striking out three thousand and insert in lieu thereof the words two thousand four hundred.

The amendment was read.

Senator Greer sent up the following substitute amendment:

Amend S. B. No. 83, page 4, lines 27 and 28 by striking out the words three thousand dollars and insert in lieu thereof the words eighteen hundred dollars.

On motion of Senator Williamson the substitute was tabled.

Senator McFarlane's amendment was adopted.

The bill as amended was read second time and passed to engrossment.

On motion of Senator Russek the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 83 was put on its third reading and final passage, by the following vote:

## Yeas—21.

Beck.	Patton.
Berkeley.	Pollard.
DeBerry.	Russek.
Gainer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodward.
Parr.	

## Nays—4.

Cunningham.	Hornsby.
Greer.	Parrish.

## Absent.

Small.

## Absent—Excused.

Hyer. Neal.  
Martin. Woodul.

The bill was read third time and passed finally by the following vote:

## Yeas—19.

Beck. Pollard.  
Berkeley. Russek.  
Gainer. Stevenson.  
Hardin. Thomason.  
Holbrook. Westbrook.  
Love. Williamson.  
Miller. Wirtz.  
Moore. Witt.  
Parr. Woodward.  
Patton.

## Nays—6.

Cunningham. Hornsby.  
DeBerry. McFarlane.  
Greer. Parrish.

## Absent.

Small.

## Absent—Excused.

Hyer. Neal.  
Martin. Woodul.

## House Bill No. 338.

Senator Pollard received permission to take up out of its regular order the following bill.

By Mr. Quinn:

H. B. No. 338, A bill to be entitled "An Act providing for a more expeditious manner of ascertaining the returns of any special election held for the office of Representative or Senator in any district, and providing for the early making of returns therefrom and an immediate issuance of a certificate of election, and declaring an emergency."

On motion of Senator Pollard, the rule requiring committee reports to lie over one day was suspended by unanimous consent.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 338 was put on its second reading by the following vote:

## Yeas—26.

Beck. Gainer.  
Berkeley. Greer.  
Cunningham. Hardin.  
DeBerry. Holbrook.

Hornsby. Russek.  
Love. Small.  
McFarlane. Stevenson.  
Miller. Thomason.  
Moore. Westbrook.  
Parr. Williamson.  
Parrish. Wirtz.  
Patton. Witt.  
Pollard. Woodward.

## Absent—Excused.

Hyer. Neal.  
Martin. Woodul.

The bill was read second time and passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 338 was put on its third reading and final passage, by the following vote:

## Yeas—26.

Beck. Parr.  
Berkeley. Parrish.  
Cunningham. Patton.  
DeBerry. Pollard.  
Gainer. Russek.  
Greer. Small.  
Hardin. Stevenson.  
Holbrook. Thomason.  
Hornsby. Westbrook.  
Love. Williamson.  
McFarlane. Wirtz.  
Miller. Witt.  
Moore. Woodward.

## Absent—Excused.

Hyer. Neal.  
Martin. Woodul.

The bill was read third time and passed finally by the following vote:

## Yeas—26.

Beck. Parr.  
Berkeley. Parrish.  
Cunningham. Patton.  
DeBerry. Pollard.  
Gainer. Russek.  
Greer. Small.  
Hardin. Stevenson.  
Holbrook. Thomason.  
Hornsby. Westbrook.  
Love. Williamson.  
McFarlane. Wirtz.  
Miller. Witt.  
Moore. Woodward.

## Absent—Excused.

Hyer. Neal.  
Martin. Woodul.

**Recess.**

On motion of Senator Wirtz, the Senate, at 12:00 o'clock noon, recessed until 2:30 p. m.

**After Recess.**

The Senate was called to order by Lieutenant Governor Barry Miller at 2:30 o'clock p. m. pursuant to recess.

**Message From the Governor.**

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Department,  
Austin, Texas,  
January 23, 1929.

To the Members of the Forty-first Legislature:

Attached hereto is (1) a tentative contract between the Board of Managers of the Texas State Railroad and the Texas & New Orleans Railway company; and (2) a proposed bill with reference to the terms of the tentative contract.

You will observe that Article VII of the attached tentative contract provides that "while it is understood and agreed that, under existing laws of the State of Texas, the Managers are authorized and empowered to make and execute this agreement, on account of same being for a period of twenty (20) years, both the Managers and the Company desire ratification by the Texas Legislature before final acceptance by either party."

I am advised by both parties to the tentative contract that they desire your consideration and approval of this contract before it becomes binding upon either party, and it is therefore sent to you for your consideration.

The attached proposed bill was furnished to me by the Board of Managers of the Texas State Railroad, and it also is herewith transmitted for your consideration.

Respectfully submitted,  
DAN MOODY,  
Governor of Texas.

Message and bill read and referred to Committee on Civil Jurisprudence.

**Warrant Clerk Appointed.**

The Chair announced the appointment of Mrs. Bessie Pierce as warrant clerk.

**Senate Bill No. 85.**

Senator Parrish received unanimous consent to take up out of its regular order the following bill:

By Senator Parrish:

S. B. No. 85, A bill to be entitled "An Act creating the One Hundred and Tenth Judicial District and reorganizing and prescribing the time for holding court in the Fiftieth Judicial District, the Sixty-fourth Judicial District, and the Seventy-second Judicial District, and providing that the process heretofore issued in said districts shall be returnable to the proper terms created by this Act, and papers issuing out of said courts; and providing all matters and things necessary and incidental to the main purpose of this Act; and declaring an emergency."

On motion of Senator Parrish, the rule requiring committee reports to lie over 24 hours was suspended.

The Committee report was adopted.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 85 was put on its second reading and final passage, by the following vote:

**Yeas—26.**

Beck.	Parr.
Berkeley.	Parrish.
Cunningham	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodward.

**Absent—Excused.**

Hyer.	Neal.
Martin.	Woodul.

The Committee substitute bill was adopted.

The bill as amended was read second time and passed to engrossment.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 85 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodward.

Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Parrish.
Berkeley.	Parr.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodward.

Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

#### Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 44, A bill to be entitled  
"An Act to amend Subdivision 32 of

Article 199 of Title 8 of the Revised Statutes of the State of Texas, 1925, to change and prescribe the time for holding district courts of the Thirty-second Judicial District of the State, composed of Nolan, Scurry, Mitchell, Howard and Borden counties, giving additional time to Howard county, and to conform all writs and process from such courts to such changes and to make all writs and process issued or served before this act takes effect, including recognizances and bonds returnable to the term of the court in the several counties in said district as therein fixed and to validate the summoning of grand juries and petit juries and providing for the continuation of courts in session in said district when this act takes effect, to the end of its term; provided, that no grand jury shall be drawn for the two weeks' term of court to be held in Nolan county on the 24th Monday after the first Monday in January unless the judge of said court in his discretion shall order same, repealing all laws and parts of laws, in conflict herewith, and declaring an emergency."

H. B. No. 120, A bill to be entitled "An Act to amend Article 2547 (2443), Chapter 2, Title 47, Revised Civil Statutes of the State of Texas, being Chapter 129, pages 197 to 199, inclusive, of the General Laws of the State of Texas passed by the Fortieth Legislature at the regular session, which article and chapter provides for the making of bonds for the securing of county deposits, declaring who may make such bonds, and the amount and character of the security that may be accepted by the commissioners' court to secure such deposits."

H. B. No. 274, A bill to be entitled "An Act to amend Article 955, Revised Criminal Statutes of 1925, by exempting Hunt and Rains Counties from the provisions thereof, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 4, Providing for the investigation of the General Land Office.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Senate Bill No. 126.**

The Chair laid before the Senate on second reading, the following bill:

S. B. No. 126, A bill to be entitled "An Act further regulating the practice of medicine within this State; requiring the payment of an annual registration fee by all persons lawfully qualified and engaged in the practice of medicine, and conferring certain powers on the Texas State Board of Medical Examiners and the Secretary-Treasurer thereof, in respect to the collection and expenditure of funds raised from the collection of fees; and providing that it shall be the duty of all persons now lawfully qualified and engaged in the practice of medicine in this State, as defined in Article 4510, Revised Civil Statutes of 1925, or who shall hereafter be licensed for such practice by the Texas State Board of Medical Examiners, on or before the first day of January, 1930, and thereafter to annually register as such practitioners, requiring in connection with such annual registration a fee of \$2.00, such payment to be made as prescribed in the Act; and further provided that, upon receipt of the annual payment of such registration fee, the Secretary-Treasurer of the Texas State Board of Medical Examiners, after ascertaining from the records of the Board or from other reliable sources that the applicant is a licensed practitioner, shall issue to the applicant an annual registration certificate, certifying that the applicant has filed such application and has paid the registration fee mentioned for the year in question, and providing that such registration and the payment of such fee shall not entitle the holder of such certificate to practice medicine within the State of Texas unless he has been previously duly licensed as such practitioner by the Texas State Board of Medical Examiners, and prescribing the effect of such certificate as evidence in a prosecution for the unlawful practice of medicine, etc.; and declaring an emergency."

Senator Moore sent up the following amendment:

Amend Section 4, (beginning with line 18, on page 5 of the printed bill) of S. B. No. 126, to read as follows:

"This Act shall not be construed as repealing any part of Chapter 6 of Title 71, Revised Civil Statutes of 1925, or Chapter 6 of Title 12 of the Penal Code of 1925."

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 126 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodward.

Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Parr.	

Absent—Excused.

Hyer.	Neal.
Martin.	

**Senate Bill No. 147.**

The Chair laid before the Senate on second reading, the following bill:

S. B. No. 147, A bill to be entitled "An Act relating to bills of exception in district and county courts; enacting Article 2237a of Chapter 11, Title 42 of the Revised Civil Statutes of 1925, relating to practice in the district and county courts; requiring district and county judges to state the qualification of any bill of exception presented by either party to a suit and place such qualification in the record upon the trial of the case at the time the exception is reserved; enacting provisions designed to require prompt action on the part of the district or county judge in acting on bills of exception presented to him and outlining the procedure in case such judge does not comply with the Statute; providing that this Act shall apply to civil and criminal cases; repealing all laws or parts of laws conflicting herewith, and declaring an emergency."

On motion of Senator Holbrook, the bill was laid on the table subject to call.

**Senate Bill No. 181.**

The Chair laid before the Senate on second reading the following bill:

S. B. No. 181, A bill to be entitled "An Act requiring the labeling of mattresses and pillows sold, offered for sale, delivered, consigned or possessed with intent to sell; providing for the revenue for enforcing this Act; providing for the machinery for its enforcement; enacting necessary provisions incident thereto; making appropriations, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 181 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Holbrook.
Berkeley.	Hornsby.
Cunningham.	Love.
DeBerry.	McFarlane.
Gainer.	Miller.
Greer.	Moore.
Hardin.	Parr.

Parrish.	Westbrook.
Patton.	Williamson.
Pollard.	Wirtz.
Russek.	Witt.
Small.	Woodul.
Stevenson.	Woodward.
Thomason.	

Absent—Excused.

Hyer.	Neal.
Martin.	

The bill was read third time and finally passed by the following vote:

Yeas—25.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Nays—1.

Russek.

Present—Not Voting.

Wirtz.

Absent—Excused.

Hyer.	Neal.
Martin.	

**Senate Bill No. 187.**

The Chair laid before the Senate on second reading the following bill:

S. B. No. 187, A bill to be entitled "An Act appropriating the sum of \$25,000.00 to cooperate with the Department of the Interior of the United States Government to investigate reservoir sites and reservoir conditions on the Pecos River; authorizing the Governor to draw upon such funds and regulating the expenditure thereof, and creating an emergency."

The bill was read second time.

Senator Miller moved to re-refer the bill to the Committee on Finance.

Senator Berkeley moved to table the motion. The motion to table prevailed by the following vote:



## Yeas—16.

Beck.	Moore.
Berkeley.	Parr.
Cunningham.	Parrish.
Hardin.	Patton.
Holbrook.	Stevenson.
Hornsby.	Williamson.
Love.	Witt.
McFarlane.	Woodward.

## Nays—7.

DeBerry.	Russek.
Greer.	Westbrook.
Miller.	Wirtz.
Pollard.	

## Absent.

Gainer.	Thomason.
Small.	Woodul.

## Absent—Excused.

Hyer.	Neal.
Martin.	

Senator Pollard moved to lay the bill on the table subject to call.

Senator Berkeley moved to table the motion. The motion to table prevailed by the following vote:

## Yeas—15.

Beck.	Parr
Berkeley.	Parrish.
Cunningham.	Small.
Holbrook.	Stevenson.
Hornsby.	Williamson.
Love.	Witt.
McFarlane.	Woodward.
Moore.	

## Nays—10.

DeBerry.	Pollard.
Greer.	Russek.
Hardin.	Thomason.
Miller.	Westbrook.
Patton.	Wirtz.

## Absent.

Gainer.

## Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

The bill passed to engrossment by the following vote:

## Yeas—13.

Beck.	Love.
Berkeley.	McFarlane.
Holbrook.	Parr.
Hornsby.	Parrish.

Small.
Stevenson.
Williamson.

Witt.
Woodward.

## Nays—12.

Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Russek.
Hardin.	Thomason.
Miller.	Westbrook.
Moore.	Wirtz.

## Absent.

Gainer.

## Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

## Senate Bill No. 238.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 238, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for several institutions and departments of State Government as named herein for the balance of the fiscal year ending August 31, 1929; and declaring an emergency."

The bill was read second time.

Senator Pollard sent up the following amendment:

Amend S. B. No. 238 by adding after line 32 on page 2 the following:

"For the purpose of repairing and rehabilitating the boys' dormitory building known as 'Little Campus,' and furnishing same \$10,000.00" The amendment was read and adopted.

Senator Pollard sent up the following corrective amendment:

Amend S. B. No. 238, page 3, line 2, by striking out the figures, \$68,000.00," and inserting in lieu thereof the figures, "\$78,000.00".

The amendment was read and adopted.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 238, page 4 line 28, by striking out the figures 6,000 and inserting in lieu thereof the figures 8,944.

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Pollard, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 238 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodward.

Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodward.

Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

#### House Bills Read and Referred

H. B. No. 18, read and referred to Committee on Criminal Jurisprudence.

H. B. No. 21, read and referred to Committee on State Affairs.

H. B. No. 46, read and referred to Committee on Civil Jurisprudence.

H. B. No. 57, read and referred to Committee on Civil Jurisprudence.

H. B. No. 59, read and referred to Committee on Civil Jurisprudence.

H. B. No. 87, read and referred to Committee on State Affairs.

H. B. No. 44, read and referred to Committee on Judicial Districts.

H. B. No. 120, read and referred to Committee on Banks and Banking.

H. B. No. 274, read and referred to Committee on State Affairs.

#### Senate Bill No. 28.

Senator Woodward called up from the table the following bill:

S. B. No. 28, A bill to be entitled "An Act amending Chapter 12 of the Acts of the First Called Session of the Fortieth Legislature of the State of Texas of 1927 relating to the organization of the Fifty-first (51) Judicial District of the State of Texas; reorganizing the same; naming the counties constituting the same and fixing the terms of court to be held in the several counties therein; amending Chapter 36 of the Acts of the Regular Session of the Thirty-ninth Legislature of the State of Texas, relating to the organization of the Thirty-fifth (35) Judicial District of the State of Texas; reorganizing the same, naming the counties constituting the same and fixing the terms of court to be held in the several counties therein; creating the One Hundred and Ninth (109) Judicial District of Texas, designating the counties constituting said district; fixing the term for holding court in the several counties therein; providing for the appointment of a judge and a district attorney for said One Hundred and Ninth (109) Judicial District; providing that the present judge of the Fifty-first (51) Judicial District and the present judge of the Thirty-fifth (35) Judicial District shall continue to hold office during the term for which they were elected and until their successors are duly elected and qualified; giving to the judges of the Fifty-first (51) Judicial District and the One Hundred and Ninth (109) Judicial District the power and authority to transfer cases from one court to the other; authorizing the commissioners' court of Tom Green County, Texas, to provide suitable court rooms and offices necessary to the holding of court in Tom Green County for the Fifty-first (51) and One Hundred and Ninth (109) Judicial District Court; providing that the district clerk of Tom Green County, Texas, shall be clerk of the

newly created One Hundred and Ninth Judicial District of Texas in Tom Green County, Texas, in both the Fifty-first and One Hundred and Ninth Judicial Districts of Texas; validating all process, writs, bonds and recognizances of every kind or character heretofore issued and entered into and all grand and petit jurors selected and drawn under existing laws in the various counties affected by this Act; describing the respective duties of the district attorneys for the Fifty-first and One Hundred and Ninth Judicial Districts of Texas respectively in Tom Green County, Texas; fixing their compensation; providing that if any provision of this Act shall be held unconstitutional, such holding shall not affect the remaining provisions; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 28 was put on its third reading and final passage, by the following vote:

## Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodward.

## Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

The bill was read third time and passed finally by the following vote:

## Yeas—26.

Beck.	Love.
Berkeley.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Russek.

Small.	Williamson.
Stevenson.	Wirtz.
Thomason.	Witt.
Westbrook.	Woodward.

## Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

## Senate Bill No. 264.

Senator Pollard received unanimous consent to take up out of its regular order the following bill:

S. B. No. 264, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State for the several institutions and departments of the State Government, as named herein, for the balance of the fiscal year ending August 31, 1929, and declaring an emergency."

The bill was read second time.

Senator Cunningham sent up the following amendment:

Amend S. B. No. 264, page 1, line 23, by adding "To build sewer line, etc. \* \* \* \$29,302.00."

The amendment was adopted.

The bill as amended was passed to engrossment.

On motion of Senator Pollard, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 264 was put on its third reading and final passage, by the following vote:

## Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodward.

## Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

The bill was read third time and finally passed by the following vote:

## Yeas—26.

Beck.	Cunningham.
Berkeley.	DeBerry.

Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Love.	Thomason.
McFarlane.	Westbrook.
Miller.	Williamson.
Moore.	Wirtz.
Parr.	Witt.
Parrish.	Woodward.

Absent—Excused.

Hyer.	Neal.
Martin.	Woodul.

#### Adjournment.

On motion of Senator Woodward, the Senate, at 4:25 o'clock p. m., adjourned until Thursday morning at 10:00 o'clock.

#### APPENDIX.

##### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 29 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 30 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 74 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 95 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 116 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 110 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 75 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

##### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 8 carefully examined and compared, and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 158 carefully examined and compared, and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 169, A bill to be entitled "An Act to provide for the taking of testimony of a witness or witnesses in this state either written interrogatories or oral deposition, on any mandate, writ or commission issued out of any court of record in any other State, Territory, District or Foreign Jurisdiction, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 215, A bill to be entitled "An Act to amend Article 4632, of Chapter 4, of Title 75, of the Revised Civil Statutes 1925, of the State of Texas, relating to the residence of plaintiffs in divorce suits, so as to extend the benefits of the divorce laws of the State of Texas to persons in the military and naval service of the United States, under certain circumstances, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 261, A bill to be entitled "An Act providing for the replevy by the defendant of personal property seized under sequestration fixing the conditions of the replevy bond; providing for the discharge of the sureties; and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Have had the same under consid-

eration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 260, A bill to be entitled "An Act to provide means to facilitate the sequestration of personal property and authorizing the courts, by proper order made, to assist in the location of property sought by sequestration, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 125, A bill to be entitled "An Act to grant power to either member of the Railroad Commission or any employee designated by the Railroad Commission in all cases coming before the Commission of whatever nature to hold hearings and investigations and make a record thereof for the use and benefit of the Railroad Commission the same as if the entire Commission were present, and granting to such Commissioner or designated employee power to administer oaths, certify to official acts, compel the attendance of witnesses and the production of papers, waybills, books, accounts and punish for contempt, providing for the introduction and consideration of said testimony by the Commission, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 259, A bill to be entitled "An Act to amend Article 7283 and Article 1065 of the Compiled Statutes 1925, and Section 1, Chapter 69, and Section 1, Chapter 70 of the First Called Session of the Fortieth Legislature and providing for the redemption within two years of the lands sold under decree of court for the taxes levied by the State, or by any county, or by any incorporated city or town, or by any district organized under the laws of the State of Texas with the authority to levy and collect taxes, and providing the terms, conditions and penalties, incidental thereto and repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 240, A bill to be entitled "An Act to create Cameron County Drainage District Number One in Cameron County, Texas, defining its boundaries, validating and approving all orders made by the commissioners' court of Cameron County in respect to the original organization and creation of said district as a Drainage District under Article 3, Section 52 of the Constitution; converting said district, without change of name, to a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas; validating all assessments of taxes, the authorization, issuance and sale of bonds thereof, and providing for their payment and issuance and sale of bonds of said district by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said district, approving and validating all orders of the commissioners' court of said County, and of the Board of Drainage Commissioners of said district in respect to said district bonds and taxes, or certified copies thereof, and constituting all such orders and their record legal evidence; providing that the management and control of said

Cameron County Drainage District Number One shall be by a board of three commissioners; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 132, A bill to be entitled "An Act to prevent fraud in the purchase of gasoline and oil and to assure correct measurement and declaring the retail sale of gasoline and oil to be affected with a public interest; providing for the licensing of operators of pumps or devices for the measurement of gasoline and oil and providing for the issue of such licenses; prescribing a fee to be paid for such licenses and specifying the distribution of said fees; providing the term and form of such licenses and the liability of those to whom such licenses are issued; making it unlawful for any person to engage in the measuring or dispensing of gasoline or oil to the public without first securing such license; prescribing when Act shall become effective; providing for the cancellation of license for violation of the provisions of this Act; defining offenses; prescribing penalties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 268, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in such county in Texas having a population of not less than 100,000 nor more than 150,000 according to the last Federal Census; providing for office expenses in such counties; repealing all laws and parts of laws

in conflict and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 61, A bill to be entitled "An Act to amend Article 3932 of the Revised Civil Statutes of Texas, 1925, relating to county clerks and their compensation for ex-officio and other public services rendered so as to provide that the total amount paid the county clerk in one year shall not be less than fifty nor more than fifteen hundred dollars, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 278, A bill to be entitled "An Act providing for the creation of a county police force in all counties having 210,000 population or more according to the last United States census; whose duty it shall be to patrol that part of the county lying outside of the corporate limits of the county seat; to better provide for the enforcement of the law in said counties by providing for additional enforcement officers; prescribing the manner of the appointment of the members of such county police force, their duties and compensations, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 241, A bill to be entitled "An Act to create Cameron County Drainage District Number Two (2) in Cameron County, Texas, defining its boundaries, validating and approving all orders made by the commissioners' court of Cameron County in respect to the original organization and creation of said district as a Drainage District under Article 3, Section 52 of the constitution; converting said district, without change of name, to a conservation and reclamation district under Section 59 of the Article 16 of the Constitution of the State of Texas; validating all assessments of taxes, the authorization, issuance and sale of bonds thereof, and providing for their payment and the issuance and sale of the bonds of said district, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said district, approving and validating all orders of the commissioners' court of said County, and of the Board of Drainage Commissioners of said District, in respect to said district, bonds and taxes, or certified copies thereof, and constituting all such orders and their record legal evidence; providing that the management and control of said Cameron County Drainage District Number Two shall be by a board of three commissioners, and that said drainage district created herein as a conservation and reclamation district, shall be governed by the provisions of Section 59 of Article 16, of the Constitution and Chapter 7 of Title 128, Revised Civil Statutes of the State of Texas, 1925, providing that the title to all property and rights in property now owned by Cameron County Drainage District Number Two, including current and delinquent taxes, as it existed before this conversion herein, are vested in said district as herein converted, and that same shall be held and used under said provision of Section 59 of Article 16 of the State Constitution, and of Chapter 7 of Title 128, Revised Civil Statutes of the State of Texas; 1925, as same now exists or may hereafter be amended; providing that the said Cameron County Drainage District No. 2, as converted under Article 16, Section 59, shall

assume and discharge all legal obligations, contracts and indebtedness lawfully created by Cameron County Drainage District No. 2, before its conversion; providing that proof of publication of constitutional notice as required in the enactment of this Act has been duly made; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 256, A bill to be entitled "An Act fixing compensation for county tax assessors in counties containing a city with a population of not less than 35,000 and not more than 125,000 according to the last United States census, where the county assessor of taxes compiles and makes a transfer book or card index compiled from the real estate transfers recorded in the county clerk's office showing the names transferred to, last owner assessed to, volume and page, description of property, assessed valuation and the consideration in the transfer; keeps a building permit record or card index of all building permits issued showing name of owner, date of permit, description of property on which building is located, description of the improvement, the permit valuation and the final valuation of the building inspector; keeps a record of the builders' liens recorded in the county clerk's office; and also keeps a card index file of all automobiles, busses, and trucks, licensed and owned on January 1 of each year, showing owner of auto, owner's address, State Highway license number, make and year model of auto, all of said information for the facilitation of the work in said assessor's office and for the more correctly assessing such classes of property and for the purpose of keeping a close check on same; the commissioners' court shall allow said assessor who compiles and uses such records extra com-

pensation, not exceeding Twelve Hundred Dollars annually, beginning with the fiscal year 1929, to be paid in twelve monthly payments, same to be retained by said assessor as ex-officio salary, exclusive of the maximum salary allowed by law; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 231, A bill to be entitled "An Act to authorize the Railroad Commission of Texas, or any member or designated employee thereof, to hold joint or cooperative hearings with the Interstate Commerce Commission, or its accredited representatives, within the State of Texas, or any other State in the Union, or District of Columbia; to authorize the members of the Railroad Commission of Texas, or any member thereof, to accept the provisions of any law that may be passed by the Congress of the United States authorizing state regulatory bodies to act for, with or as a part of the Interstate Commerce Commission in dealing with any interstate transportation matter, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 77, A bill to be entitled "An Act providing for the regulations of gins, ginners, ginning; the licensing of ginners; prescribing the conditions of a ginner's bond; providing for proper packing, wrapping, marking and providing for weighing of seed and lint cotton and cotton seed and keeping a record of same; providing for the collection of license fees to be used by the Commissioner



of Agriculture for the enforcement of this Act; requiring certain reports; providing penalties for the violation of this Act; defining certain terms; repealing certain articles in the Statute and all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 109, A bill to be entitled "An Act relating to the licensing of motor vehicle operators and chauffeurs and to the liability of certain persons for negligence in the operation of motor vehicles on the public highways, providing for issuance of licenses, revocation thereof, forbidding driving by persons without licenses, providing penalties, providing for fees to be paid, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following committee amendment.

#### Committee Amendment.

Amend the bill by striking out of Section No. 11, after the word "sheriffs," the following: "chiefs of police, town marshals, or to appoint other persons within this State to act for the Department."

WITT, Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 141, A bill to be entitled "An Act to provide the manner of placing names of candidates on official ballots at special elections; making general election laws applicable to special elections except where otherwise provided; determining the order of names on ballots; making provision for the returns of special

elections; issuing certificates of elections making said Act apply only to special elections; providing that same shall be cumulative of existing laws and making provision for conflicts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 179, A bill to be entitled "An Act amending Article 3124 of the Revised Civil Statutes of 1925, so as to better regulate the making of returns and canvassing the result in primary elections and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 280, A bill to be entitled, "An Act providing that it shall be unlawful for any official or employee of the State of Texas to use any automobile, personal property of any kind or character, or thing of value to advocate or further or promote the candidacy of anyone for election or re-election, or nomination or renomination, at any special or general or primary election; providing it shall be unlawful for any official or employee of the State of Texas to collect or attempt to collect any money or anything of value from any public officer or employee, which money or thing of value to be used in promoting, advocating, or furthering in any way, directly or indirectly, the campaign expenses of any person for election or reelection, or nomination or renomination, at any special or general or primary election; providing, and making it unlawful for any money appropriated by the

Legislature of Texas, or any property purchased by any appropriation made by the Legislature of Texas to be used in advocating or opposing by any state official or any employee thereof, the election or reelection, nomination or renomination of any person at any special or general or primary election; providing punishment for violation of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 285 A bill to be entitled, "An Act amending Article 4584 of the Revised Civil Statutes of 1925, so as to repeal that portion of the law which prevents unclaimed dead bodies at certain eleemosynary institutions of this State from being turned over to the Anatomical Board of the State of Texas to be used in the advancement of medical science; the purpose of this Act being to permit unclaimed dead bodies at certain state eleemosynary institutions to be used for such purposes as provided in Chapter 13 of Title 71 of the Revised Civil Statutes, of 1925, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

BECK, Chairman.

Committee Room,

Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage to whom was referred:

H. B. No. 23. A bill to be entitled, "An Act to create Hidalgo County Water Improvement District Number Five, in Hidalgo County, Texas, into a Water Control and Improvement District, without changing the name of said District, validating and approving all orders made by the Commissioners' Court of said County in respect to the original organization of said district as a Water Improvement District under Article 3,

Section 52 of the Constitution; validating and improving all orders made by the Board of Directors of said District converting said District to a Conservation and Reclamation District under Section 59 of Article 16 of the Constitution of the State of Texas; validating all assessment of taxes, the authorization, issuance and sale of bonds thereof, and providing for their payment and the issuance and sale of the bonds of said district, and providing for their payment by the annual levy assessment and collection of general ad valorem taxes on all taxable property in said district, approving and validating all orders of the Commissioners' Court of said County and of the Board of Directors of said District, bonds and taxes or certified copies thereof, and constituting all such orders and their record legal evidence; providing that proof of publication of Constitutional Notice required in the enactment of this Act has been duly made; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Committee Room,

Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 286, A bill to be entitled, "An Act making certain emergency appropriations out of the general revenue of the State for the several Departments of the State of Texas, as named herein, for the balance of the fiscal year ending August 31, 1929; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

POLLARD, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Com-

mittee on Educational Affairs, to whom was referred

S. B. No. 221 A bill to be entitled, "An Act relating to and regulating the furnishing of free textbooks for public free schools of this State; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Vice Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Educational Affairs, to whom was referred

S. B. No. 221, A bill to be entitled, "An Act relating to and regulating the furnishing of free textbooks for public free schools of this State; etc."

Have had the same under consideration and I am instructed to report it back to the Senate that it do not pass.

LOVE, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judiciary to whom was referred

S. B. No. 85, A bill to be entitled, "An Act creating the 110th judicial district re-organizing the 50th and 64th Judicial Districts and declaring an emergency."

Having considered said bill, find that owing to the rapid growth of population, increases in litigation and business generally, the dockets of the 50th and 64th Judicial Districts have become congested requiring more time for the holding of courts in said districts; We also find that the counties of Dickens and Motley in the west end of the 50th Judicial District are from one hundred to one hundred and thirty miles from the East end of said district, where the judges of said court have always resided and that there are no direct railroad connections between the two ends of said district which fact frequently works great hardships and loss to litigants by reason of inaccessibility to their district judge.

We, your Committee, have adopted the following amendments to said bill as Committee amendments, to wit; amending the caption thereof as per amendment No. 1 and amending all after the enacting clause as per amendment No. 2, hereto attached, and as so amended recommend that the bill do pass and that it be not printed.

PATTON, Chairman.

Committee Amendment No. 1.

By Parrish and Small. S. B. No. 85.  
Amend Senate Bill No. 85, by striking out the caption and insert the following:

A BILL.

To be Entitled.

An Act creating the 110th Judicial District of Texas, to be composed of the Counties of Briscoe, Floyd, Motley and Dickens and prescribing the time for court in the 50th Judicial District and the Sixty-fourth Judicial District, and in the district hereby created, and providing that all process heretofore issued in said district shall be returnable to the proper terms created by this Act in each of said districts, and making the necessary provisions for all writs, records, and papers issuing out of said courts, and providing all matters and things necessary and incidental to the main purpose of this Act, and declaring an emergency.

Committee Amendment No. 2.

Amend S. B. No. 85, by striking out all after the enacting clause and inserting the following:

Section 1. There is hereby created the one hundred tenth (110) judicial district of the State of Texas, to be composed of the counties of Briscoe, Floyd, Motley and Dickens, and the district court therein shall have the jurisdiction and powers of the district court under the Constitution and General Laws of this State.

Sec. 2. The terms of said court shall be held in said counties as follows:

In the County of Briscoe on the first Monday in January, the sixteenth (16) Monday after the first Monday in January, and on the eighth (8) Monday after the fourth (4) Monday in July, and may

continue in session for three weeks each term.

Sec. 3. In the County of Floyd on the third (3) Monday after the first (1) Monday in January on the 19th Monday after the 1st Monday in January, on the eleventh (11) Monday after the fourth (4) Monday in July, and may continue five (5) weeks each term.

Sec. 4. In the County of Motley on the eighth (8) Monday after the first (1) Monday in January; on the fourth (4) Monday in July, and on the sixteenth (16) Monday after the fourth (4) Monday in July, and may continue in session four (4) weeks each term.

Sec. 5. In the County of Dickens on the twelfth (12) Monday after the first Monday in January, on the fourth (4) Monday after the fourth (4) Monday in July, and on the twentieth (20) Monday after the fourth (4) Monday in July, and may continue four (4) weeks each term.

Sec. 6. There shall be appointed by the Governor of the State of Texas a judge and a district attorney for the said one hundred tenth (110) Judicial District hereby created, who shall possess the qualifications prescribed by the Constitution and laws of this State for such officers who shall hold their offices respectively until the next general election held in this State, and until their successors shall be elected and qualified.

All subpoenas, writs or other process issued or served before this Act goes into effect and returnable to the district courts of the respective counties above enumerated as same are now constituted, shall be considered as returnable to the district or respective counties as established and created by this Act; and all such process is hereby validated, and all juries heretofore drawn and all jury lists heretofore prepared in any County in said one hundred tenth (110) Judicial District under the present laws are hereby validated and shall be considered lawfully drawn and prepared for the district courts in the respective counties as created by this Act.

Sec. 7. The Fiftieth (50) Judicial District of the State of Texas shall hereafter be composed of the Counties of Baylor, Knox, King and Cottle, and shall have the jurisdiction of the district court under the

Constitution and General Laws of this State.

Sec. 8. The terms of said Court shall be held in said counties as follows:

In the county of Baylor on the first (1) Monday in January, and may continue six weeks; on the eighteenth (18) Monday after the first (1) Monday in January, and may continue four (4) weeks; and on the third (3) Monday after the first (1) Monday in August, and may continue six (6) weeks.

In Knox County on the sixth (6) Monday after the first Monday in January and may continue in session for six (6) weeks; on the 22nd Monday after the first (1) Monday in January and may continue in session for four (4) weeks; and on the 9th ninth Monday after the first (1) Monday in August, and may continue for six (6) weeks.

In the county of King on the twelfth (12) Monday after the first (1) Monday in January, and may continue two weeks; and on the fifteenth Monday after the first (1) Monday in August, and may continue two weeks each term.

In the county of Cottle on the fourteenth (14) Monday after the first (1) Monday in January, and may continue four (4) weeks; on the first Monday in August and may continue three (3) weeks, and on the seventeenth (17) Monday after the first (1) Monday in August and may continue until Saturday preceeding the first Monday in January.

Sec. 9. The present Jury and the present District Attorney of the Fiftieth (50) Judicial District as now constituted by law, shall be the judge and district attorney, respectively, of the 50th judicial district as created by the Act.

Sec. 10. All writs and process issued or served by any of the courts or officers thereof, of said district, as created by this Act before the taking effect hereof, shall be valid and in all things considered as returnable to the proper terms of said court as hereby created, and all juries and jury panels chosen or selected before this Act takes effect are hereby validated, and shall be considered as returnable to the respective terms of said court as created under this Act.

Sec. 11. The Sixty-fourth (64) judicial district of the State of

Texas shall hereafter be composed of the counties of Hale, Swisher, Lamb, Castro and Bailey. The terms of court in said district shall be held in the counties thereof as follows:

In the county of Hale on the second (2) Monday in January, and may continue six (6) weeks; on the 19th Monday after the second Monday in January and may continue in session for six weeks, and on the seventh Monday after the first Monday in August, and may continue for five weeks.

In the county of Lamb on the sixth Monday after the second Monday in January, and continue in session for three (3) weeks, and on the first (1) Monday in August and may continue three (3) weeks, and on the eighteenth (18) Monday after the first Monday in August and may continue in session for three (3) weeks.

In the county of Swisher on the ninth (9) Monday after the second Monday in January, and on the Third Monday after the first Monday in August and may continue in session for four weeks.

In Castro county on the thirteenth Monday after the second Monday in January, and on the twelfth Monday after the first Monday in August and may continue in session for three weeks.

In the county of Bailey on the sixteenth Monday after the Second Monday in January and on the fifteenth Monday after the first Monday in August, and may continue in session three (3) weeks.

Sec. 12. The present judge and district attorney of the sixty fourth, (64) judicial district shall be the judge and district attorney, respectively, of the said 64th judicial district as created by this Act, until their successors are elected and qualified as provided by law.

Sec. 13. All writs and process issued out of any of the courts in the 64th judicial district, under the present law, are hereby validated and in all things shall be returnable to the respective terms of said court as hereby created; and all juries or jury panels chosen or selected before this Act takes effect, are hereby validated and shall be returnable to the respective terms of said court, as created by this Act.

Sec. 14. The fact that there has

been a rapid increase in the population and in litigation in all of the counties named in this Act, and the great increase of the business and activities of the people in all of said counties, and because some of the districts as they now exist are so arranged as to be inconvenient to the people of such districts, creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee, on Labor, to whom was referred

S. B. No. 22, A bill to be entitled, "An Act prescribing and fixing the number of hours that constitute a legal days work, etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WESTBROOK, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Labor to whom was referred

S. B. No. 100, A bill to be entitled, "An Act authorizing and empowering the Railroad Commission of Texas, to constitute, maintain, and operate their lines, plants and systems, etc., in such a manner as to promote and safeguard the health and safety of their employees."

Have had the same under consideration and I am instructed by a majority of the Committee to report it back to the Senate with the recommendation that it do not pass but that the Committee substitute pass in lieu thereof.

WESTBROOK, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Labor, to whom was referred Senate Bill No. 100 by Hyer, and the substitute therefor disagree with the majority and recommend that it do not pass.

MILLER.  
STEVENSON.

Committee Room,  
Austin, Texas, Jan. 23, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 299, A bill to be entitled "An Act regulating the transportation of cattle, hogs, goats and sheep by truck and motor vehicle and providing that all persons transporting cattle, hogs, sheep and goats by truck or motor vehicle must first secure a permit from the sheriff of the county in which said shipment originated; providing fees to the sheriff for issuance of said permit and requiring the driver of said truck or motor vehicle to carry and retain said permit in his possession until said cattle reach their destination and providing further that any sheriff, constable, or other peace officer may at any time or at any place, stop and demand and receive said permit for inspection, as well as the right to inspect said livestock so being transported and making the duty of said sheriff, constable or peace officer to inspect every truck or motor vehicle, containing livestock being transported which said officer sees and providing penalties for the violation thereof."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PARR, Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

S. B. No. 275, A bill to be entitled "An Act to amend Section 1 of Chapter 50 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, validating the charters and amendments

to charters of all cities of more than five thousand inhabitants in this State, which have adopted charters or attempted to adopt or amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature of the State of Texas 1913, and validating all proceedings had by city councils or city commissions or other governing authority of said cities, in regard to the question of the adoption of charters or amendments thereto, and particularly ratifying and confirming all bonds issued thereunder, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the journal.

BERKELEY, Chairman.

By Love.

S. B. No. 275.

#### A BILL To Be Entitled

An Act to amend Section I of Chapter 50 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State, which have adopted charters or attempted to adopt or amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, 1913, and validating all proceedings had by city councils or city commissions or other governing authority, of said cities, in regard to the question of the adoption of charters or amendments thereto, and particularly ratifying and confirming all bonds issued thereunder, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 1 of Chapter 50 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State, which have adopted charters or attempted to adopt or

amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, 1913, and validating all proceedings had by city councils or city commissions or other governing authority, of said cities, in regard to the question of the adoption of charters or amendments thereto, be and the same is hereby amended so as to hereafter read as follows:

"Section 1. That each charter, and amendment to a charter adopted by any city of more than five thousand inhabitants in this State, or where such city has amended or attempted to amend or adopt such charter, since the enactment of Chapter 147, Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, 1913, relating to home rule, as well as all amendments and proceedings had under the same and all bonds issued under any amendment where the said bonds have been approved by the Attorney General and registered with the Comptroller, are hereby fully validated, ratified and confirmed and are hereby declared to be in full force and effect as if adopted in strict compliance with all of the requirements of said Chapter 147, Acts of the Thirty-third Legislature, and the General Laws of Texas relating thereto, and this Act shall take effect and be in force from and after its passage."

Sec. 2. The fact that the Act of the Thirty-third Legislature authorizing cities of more than five thousand inhabitants to adopt and amend their own charters is a recent one, and its provisions have not been construed by the courts, and that many cities which have undertaken in good faith to incorporate and to adopt and amend their charters may not have complied strictly with all of its provisions and requirements, and in view of the further fact that the acts, ordinances and bond issues of such cities may thereafter be open to question, although made in good faith and authorized by a majority vote of the qualified voters of such cities, creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and said rule is suspended, and this Act shall take effect and be in force from and

after its passage; and it is so enacted.

Committee Room,

Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 159, A bill to be entitled "An Act, providing that all conservation and reclamation districts organized under the provisions of Chapter 8, Title 128, Revised Civil Statutes of Texas, and/or Chapter 2, Title 128, Revised Civil Statutes of Texas, under the name of Water Improvement District, and in the organization of which petitions were signed by more than fifty persons and such petitions were filed in the month of September 1926; and on which petitioners hearings were held by the county commissioners' courts in the month of October, 1926, and in pursuance of which said courts entered their orders or judgments finding in favor of the petitioners for the establishment of such districts, and elections were held for the purpose of voting upon the organization of such districts, and the issuance of notes by such districts, such elections being held in the month of November, 1926, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

WOODWARD, Chairman.

By Woodward.

S. B. No. 159.

A BILL

To Be Entitled

An Act providing that all conservation and reclamation districts organized under the provisions of Chapter 8, Title 128, Revised Civil Statutes of Texas, and/or Chapter 2, Title 128, Revised Civil Statutes of Texas, under the name of Water Improvement Districts, and in the organization of which petitions were signed by more than fifty persons and such petitions were filed in the month of September, 1926; and on which petitioners hearings were held by the county commissioners' courts in the month of October, 1926, and in pursuance of which said

courts entered their orders or judgments finding in favor of the petitioners for the establishment of such districts, and elections were held for the purpose of voting upon the organization of such districts, and the issuance of notes by such districts, such elections being held in the month of November, 1926, and at which elections the organization of the districts and the issuance of notes received a two-thirds majority of the votes cast and in which elections directors were elected for such districts and the orders of the county commissioners' courts organizing such districts and the authorization for the issuance of notes of such districts are hereby ratified, validated, approved and confirmed, and further providing that such districts are validly created and organized and the notes issued by such districts are valid and declared to be legal and are validated, and authorizing such districts to levy, assess and collect taxes to pay same and to pay cost of assessing and collecting same and other expenses of such districts and declaring such districts to be Conservation and Reclamation Districts under the provisions of Chapter 8, Title 128, Revised Civil Statutes of Texas, and under the provisions of Chapter 2, Title 128, Revised Civil Statutes of Texas, and under the provisions of Section 59, of Article 16, of the Constitution of the State of Texas, and providing such districts may, if they so elect, in accordance with the provisions of law, be converted into Water Control and Improvement Districts, and declaring the boundaries of said Districts to have been properly and legally established and that all orders made by the Boards of Directors of such Districts eliminating and taking land out of such Districts, to have been properly and legally made, and validating and declaring valid the boundaries thereof, and providing that all such districts may incur indebtedness to fully carry out each and all of the purposes of their organization when authorized by a majority of the votes cast at an election held for that purpose, and may levy taxes for

the payment of their debts and obligations and the maintenance and operation of such districts, and providing that the orders of the Boards of Directors of such Districts that elections be held in such districts to authorize the issuance of bonds and the levy of taxes in payment therefor, and the notices of election posted and published, and the elections held and the returns made and the orders of the Board of Directors declaring the results thereof, are declared to be proper and legal proceedings in accordance with the provisions of the laws of the State of Texas for the issuance of such bonds, and are validated and confirmed, and that the elections held in pursuance of said orders in the event a majority of those voting at such elections voted in favor of the issuance of such bonds and the levy of such taxes, are validated and confirmed, that the Directors of such Districts are authorized to make all proper and necessary orders for the issuance of such bonds and sale of such bonds and the levy, assessment and collection of taxes sufficient to pay the interest thereon and the principal thereon as same matures, and the expenses of assessing and collecting such taxes, and for the maintenance and operation of such districts. Providing generally for the validation of all such districts and the validation of all notes issued by such districts and the validation of all bonds issued by such districts.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all conservation and reclamation districts organized under the provisions of Chapter 8, Title 128, Revised Civil Statutes of Texas, and/or Chapter 2, Title 128, Revised Civil Statutes of Texas, under the name of Water Improvement Districts, and in the organization of which petitions were signed by more than fifty (50) persons, and such petitions were filed in the month of September, 1926, and on which petitions hearings were held by the county commissioners' court in the month of October, 1926, and in pursuance of which said court entered its order or judgment finding in favor of the petitioners for the es-



establishment of such districts, and elections were held for the purpose of voting upon the organization of such districts, and the issuance of notes by such districts, such elections being held in the month of November, 1926, and at which elections the organization of the districts and the issuance of notes received a two-thirds majority of the votes cast and at which elections directors were elected for such districts, all said proceedings and the organization of such districts and the orders of the county commissioners' court organizing such districts and the authorization for the issuance of notes by such districts are hereby ratified, validated, approved and confirmed, and all such districts are hereby expressly declared to be properly defined and described and to be validly created and organized, and the notes issued by the Board of Directors of such districts are hereby declared to be legally and validly issued and are valid and declared to be the legal, binding obligations of such districts, and such districts shall levy, assess and collect taxes on all property situated in such districts in amount sufficient to pay the interest on such notes and the principal thereof as same matures, and the cost of assessing and collecting such taxes, and it shall not be necessary to validate such notes by a suit in court or any other proceeding.

Sec. 2. All such districts described in Section 1 of this Act are hereby expressly declared to be conservation and reclamation districts under the provisions of Chapter 8, Title 128, Revised Civil Statutes of Texas, and under the provisions of Chapter 2, of Title 128, Revised Civil Statutes of Texas, and under the provisions of Section 59, of Article 16, of the Constitution of the State of Texas, and all such districts are authorized, if they shall so elect as provided by law, to be converted into Water Control and Improvement Districts under the provisions of the laws of the State of Texas.

Sec. 3. That the boundaries of all said Districts as described in Section 1 of this Act, as established and defined by the orders and judgment of the county commissioners' court, and as modified, established and defined by the orders of the Board of

Directors of such Districts after lands originally included in said districts had been removed therefrom by orders of the Board of Directors of such Districts, are proper and correct descriptions of the territory included within such Districts, and that the boundaries of such Districts and the orders defining same properly define the area included therein and are and constitute proper legal descriptions of the said boundaries of the said Districts, and of the territory included therein, and are hereby valid and declared to be proper and legal descriptions of said boundaries, and that the orders made by the Board of Directors of such Districts, excluding therefrom certain lands originally included therein, are valid and proper and in due and proper form, and that all notices issued prior to the making of said orders, were properly issued, posted and published, in accordance with the provisions of law, and are hereby laid and declared to be valid and binding and to properly define the boundaries of said Districts and the territory included therein.

Sec. 4. That all such Districts described in Section 1 of this Act may incur indebtedness to fully carry out each and all of the purposes of its organization, when such indebtedness has been authorized or may hereafter be authorized by a majority of the votes cast at an election for that purpose, and may levy taxes for the payment of its said debts and obligations and the maintenance and operation of such Districts.

Sec. 5. That in all such Districts described in Section 1 of this Act, the orders of the Board of Directors providing that elections be held in such Districts to authorize the issuance of bonds and the levy of taxes in payment thereof, and the notices of election posted and published in pursuance thereof, and the elections held for said purpose, and the returns made thereon, and the order of the Board of Directors in declaring the result thereof, are hereby declared to be proper, legal proceedings in accordance with the provisions of the laws of the State of Texas for the issuance of such bonds, and are hereby validated and confirmed, and in all such Districts in which said elections have been held, and a majority of those voting at such

elections voted in favor of the issuance of such bonds and the levy of such taxes, that said elections and the issuance of such bonds are hereby validated and confirmed, and the Board of Directors of such Districts are authorized to make all proper and necessary orders for the issuance of such bonds and the sale of such bonds, and the levy, assessment and collection of taxes sufficient to pay the interest thereon, and the principal therein as same matures, and the expenses of assessing and collecting such taxes; and for the maintenance and operation of such Districts.

Sec. 6. The fact that the Districts herein described having been organized for the purpose of building water systems and the fact that there is some doubt as to the procedure of organizing same, and that the operation of such districts is a matter of great public concern, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read upon three several days in each House, and the said rule is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 157, A bill to be entitled "An Act to repeal Articles Nos. 6717, 6718, 6719, 6720, 6721, 6722, 6723, 6724, 6725, 6726, 6727, 6728, 6731, 6732, 6733, 6734 and 6735 of Chapter No. 3, Title 116 of the 1925 Revised Statutes of the State of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

WOODWARD, Chairman.

By Parrish.

S. B. No. 157.

#### A BILL

##### To Be Entitled

An Act to repeal Articles Nos. 6717, 6718, 6719, 6720, 6721, 6722, 6723, 6724, 6725, 6726, 6727, 6728, 6731, 6732, 6733, 6734 and 6735 of Chapter No. 3, Title 116 of the 1925 Revised Statutes

of the State of Texas; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas;

Section 1. That Articles Nos. 6717, 6718, 6719, 6720, 6721, 6722, 6723, 6724, 6725, 6726, 6727, 6728, 6731, 6732, 6733, 6734, and 6735 of Chapter No. 3, Title No. 116 of the 1925 Revised Statutes of the State of Texas, be and the same are hereby in all things repealed.

Sec. 2. The fact that under present conditions the said Articles are obsolete and impracticable creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

We, your Committee on Civil Jurisprudence to whom was referred

S. B. No. 262 A bill to be entitled, "An Act making it the duty of all persons, firms or corporations engaged in the business of selling dynamite to keep books showing the disposition of said dynamite, the person to whom it is sold, his correct address, the amount sold, the date of books be kept open to inspection by any officer charged with the duty of enforcing the criminal laws of this State and fixing a penalty for the violation of the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Beck, Russek,

S. B. No. 262.

Hornsby.

#### A BILL

##### To Be Entitled.

An Act making it the duty of all persons, firms or corporations engaged in the business of selling dynamite to keep books showing the disposition of said dynamite, the person to whom it is sold, his correct address, the amount sold, the date of the sale, and requiring that the books be kept open to in-

spection by any officer charged with the duty of enforcing the criminal laws of this State, and fixing a penalty for the violation of the provisions of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It is hereby made the duty of all persons, firms or corporations engaged in the business of selling dynamite within this State, to keep books, showing accurately the person to whom such dynamite is sold, the amount sold to each person, the date of the sale and the accurate post office address of such persons purchasing said dynamite, which books shall be kept open to the inspection of any public officer charged with the duty of enforcing the criminal laws of this State.

Sec. 2. Any person, firm or corporation, or the agent thereof, failing or refusing to comply with any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars or more than Two Hundred (\$200.00) Dollars, or by confinement in the county jail for not more than thirty days, or by both said fine and imprisonment.

Sec. 3. The fact that dynamite is being sold and purchased for the purpose of destroying property, and for the purpose of being used for other unlawful purposes, and that the officers are without adequate means of securing information as to the possession so obtained creates an emergency and an imperative public necessity requiring the suspension of the Constitutional rule requiring bills to be read on three several days, and said rule is hereby, suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 216, A bill to be entitled, "An Act repealing Article 1269 of the Revised Civil Statutes of the State of Texas of 1925."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Williamson.

S. B. 216.

#### A BILL

To Be Entitled.

An Act Repealing Article 1269 of the Revised Civil Statutes of the State of Texas, of 1925.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1269 of the Revised Civil Statutes of the State of Texas, of 1925, be and the same is hereby repealed.

Sec. 2. The fact that salaries of officers named in such article are provided for by the charters of such municipalities, renders such article unnecessary and confusing, creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days, be suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### THIRTEENTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, January 24, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.  
Neal.

Parrish.

Prayer by the Chaplain.

Pending the reading of the Jour-